

REMARKS

By way of summary, Claims 1-23 were pending in this application, with Claim 1 being independent. The Office Action dated May 27, 2011, rejected Claims 1-23. By this Amendment, Applicant has amended Claims 1, 8, and 12 and added new Claims 25-27, without prejudice or disclaimer. Applicant respectfully reserves the right to pursue claims with the original or previously pending subject matter in continuing applications. Accordingly, Claims 1-23 and 25-27 are currently pending in the application.

Support for the above amendments may be found at least at Paragraph [0006], [0013], and [0042] and Figure 2 of the Specification.

Rejections under §103

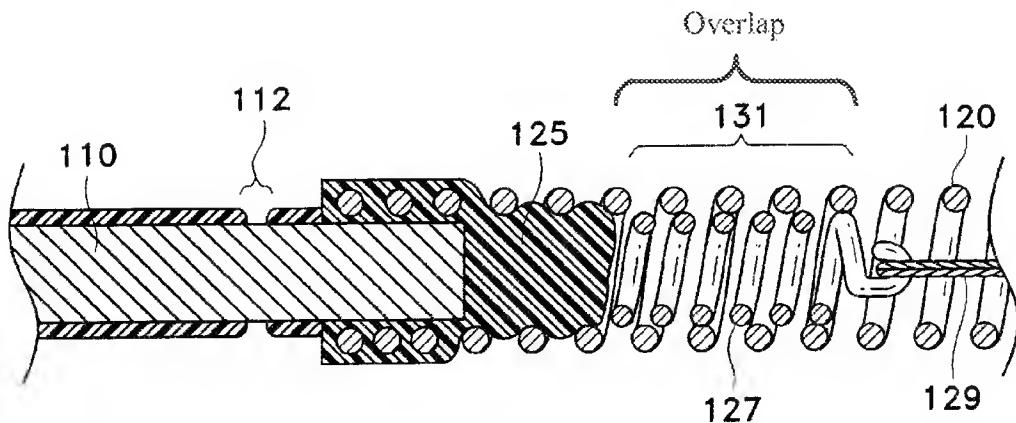
Independent Amended Claim 1

Claim 1 was rejected under 35 USC § 103(a) as being obvious over Bashiri et al. (US 6,165,178) in view of Aganon et al. (US 7,166,122).

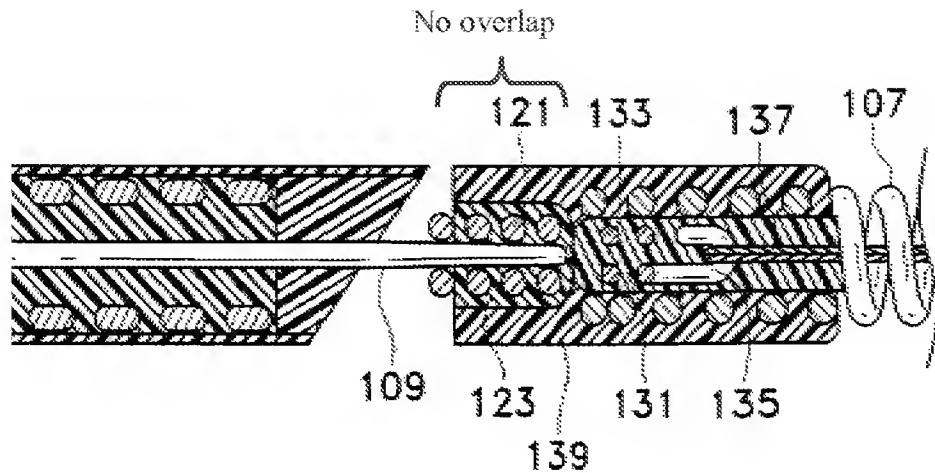
A rejection under 35 U.S.C. § 103 in view of a prior patent can be properly sustained only if that patent, in view of what was known to those of ordinary skill in the art at the time the invention was made, discloses each and every element of the claim and suggests arranging them as in the claim. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP 706.02(j). The failure of an asserted combination to teach or suggest each and every feature of a claim is fatal to an obviousness rejection under 35 U.S.C. § 103. “Obviousness requires a suggestion of all limitations in a claim.” *Ex parte Wehling et al.*, Appeal No. 2009-8111 (BPAI) (quoting *CFMT, Inc. v. Yieldup Int'l. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003)); *see also, In re Wada and Murphy*, Appeal No. 2007-3733 (BPAI); *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicant has amended independent Claim 1 and submits that the combination of Bashiri and Aganon fails to teach or suggest “wherein a distal portion of the at least one stabilization helix axially overlaps at least a portion of the at least one occlusion helix, and a proximal portion of the at least one stabilization helix does not axially overlap the at least one occlusion helix,” as now recited in amended Claim 1. Accordingly, it is submitted that amended Claim 1 is patentable in view of Bashiri and Aganon.

In an embodiment shown in Figure 7 of Bashiri, coil (127) is disclosed as being concentric within detachable helical coil (120). Bashiri discloses that this axial alignment is the basis for attachment of coil (127): “Of particular interest is the fact that coil (127) is soldered or preferably welded to detachable helical coil (120) in the region (131).” [Bashiri, col. 7, lines 10-12]. Fig. 7 of Bashiri is provided below, with annotation, demonstrating that the entire length of coil (127) is axially overlapping with detachable helical coil (120):



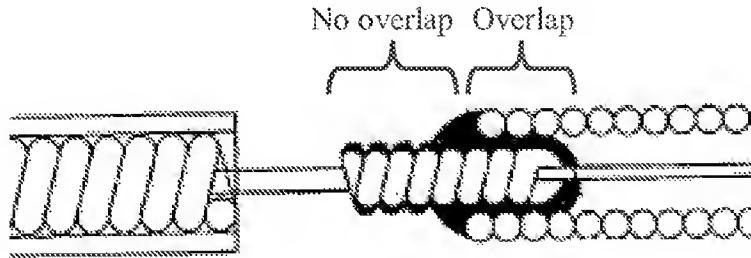
In an embodiment shown in Figure 9 of Bashiri, coil (121) is disclosed as being axially adjacent to deployable implant (107). Fig. 9 of Bashiri is provided below, with annotation, demonstrating that the entire length of coil (121) fails to axially overlap with any part of deployable implant (107):



In contrast, amended independent Claim 1 recites "wherein a distal portion of the at least one stabilization helix axially overlaps at least a portion of the at least one occlusion helix, and a proximal portion of the at least one stabilization helix does not axially overlap the at least one occlusion helix." The specification of the present application discloses:

The occlusion helix 3 shown in this figure is attached to severance element 2 by means of stabilization helix 5, said latter stabilization helix 5 being of smaller diameter than the occlusion helix 3 with the outside diameter of the stabilization helix 5 basically coinciding with the inside diameter of the occlusion helix 3. Accordingly, the stabilization helix 5 can be inserted, at least partially, into the occlusion helix 3. [Specification, paragraph 0042].

Figure 2 of the present application is provided below, with annotation:



Aganon fails to remedy the inadequate teachings of Bashiri. Accordingly, it is respectfully submitted that the combination of Bashiri and Aganon fails to teach or suggest at least one stabilization helix having a distal portion that axially overlaps at least a portion of the

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at least one occlusion helix and a proximal portion that does not axially overlap the at least one occlusion helix. Reconsideration of amended independent Claim 1 is kindly requested.

Dependent Claims 2-17 and 21-23

Claims 2-17 and 21-23 were rejected under 35 USC § 103(a) as being obvious over Bashiri et al. (US 6,165,178) in view of Aganon et al. (US 7,166,122).

Claims 2-17 and 21-23 depend from amended independent Claim 1. Applicant respectfully submits that these claims are in condition for allowance for at least the same reasons set forth above with respect to independent Claim 1, in addition to patentable subject matter recited in each of the dependent claims. Therefore, Applicant respectfully requests that these claims be allowed in the next communication.

Dependent Claims 19 and 20

Claims 19 and 20 were also rejected under 35 USC § 103(a) as being obvious over Bashiri in view of Aganon and further in view of Monstdt et al. (US 7,323,000).

Claims 19 and 20 depend from amended independent Claim 1. Applicant respectfully submits that the combination with Monstdt fails to remedy the inadequate teachings of Bashiri and Aganon, and that these claims are in condition for allowance for at least the same reasons set forth above with respect to independent Claim 1, in addition to patentable subject matter recited in each of the dependent claims. Therefore, Applicant respectfully requests that these claims be allowed in the next communication.

Dependent Claim 18

Claim 18 was not rejected in the office action of May 27, 2011. If the Examiner believes that Claim 18 is allowable, indication of such is kindly requested in the next communication.

New Claims

Newly added dependent Claims 25-27 depend from independent Claim 1. Applicant respectfully submits that these claims are in condition for allowance for at least the same reasons set forth above with respect to independent Claim 1, in addition to patentable subject matter recited in each of the dependent claims. Therefore, Applicant respectfully requests that these claims be allowed in the next communication.

CONCLUSION

In view of the foregoing comments, it is respectfully submitted that the present application is fully in condition for allowance, and that such action is earnestly solicited. If any questions remain, however, the Examiner is cordially invited to contact the undersigned attorney so that any such matters may be promptly resolved.

Applicant respectfully submits that the claims are in condition for allowance and has made a good faith effort to respond to the outstanding Office Action. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is cordially invited to contact Applicant's attorney, at the telephone number below, to resolve any such issues promptly.

Any remarks in support of patentability of one claim should not necessarily be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not necessarily be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully reserves the right to traverse any of the Examiner's rejections or assertions, even if not discussed herein. Applicant respectfully reserves the right to challenge later whether any of the cited references are prior art. Although changes to the claims have been made, no acquiescence or estoppel is implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

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Respectfully submitted,

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